

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BARRY HONIG, an individual,

Plaintiff,

v.

ROBERT LADD, an individual; **MGT CAPITAL INVESTMENTS, INC.**, a Delaware corporation; **TERI BUHL**, an individual; and **DOES 1-20**,

Defendants.

Case No. 1:17-cv-00184-CCE-LPA

MOTION OF DEFENDANTS ROBERT LADD AND MGT CAPITAL INVESTMENTS, INC. TO DISMISS PURSUANT TO FED. R. CIV P. 12(b)(3) AND 12(b)(6)

Defendants Robert Ladd and MGT Capital Investments, Inc. move to dismiss Plaintiff Barry Honig's Complaint (Docket Entry 1) with prejudice under Federal Rules of Civil Procedure 12(b)(3) and 12(b)(6) because Plaintiff has filed this case in an improper venue and failed to state a claim upon which relief can be granted. The accompanying brief provides additional support for this motion.

WHEREFORE, Defendants request that the Court enter an Order as follows:

- (1) Dismissing Plaintiff's Complaint with prejudice, and
- (2) Awarding Defendants such other and further relief as may be just and proper.

This 5th day of June, 2017.

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N.C. State Bar No. 28625

/s/ Erik R. Zimmerman
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* LR 83.1(d) Special Appearance

Attorneys for Defendants Robert Ladd & MGT Capital Investments, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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I hereby certify that on this day, pursuant to Federal Rule of Civil Procedure 5(b)(2)(E) I sent by electronic means the foregoing document to the following.

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Attorney for Defendant Teri Buhl

This 5th day of June, 2017.

/s/ Darren A. LaVerne

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